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HOUSE BILL NO. 112

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources

on _____)

(Patron Prior to Substitute—Delegate Laufer)

A BILL to amend and reenact § 29.1-417 of the Code of Virginia, relating to Department of Wildlife Resources; premature separation and hybridization of mammalian wildlife prohibited; exceptions.

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-417 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-417. Capturing, holding, propagating, and disposing of wildlife for authorized purposes; premature separation and hybridization of mammalian wildlife prohibited; exceptions.

A. The fee for a permit to capture, hold, propagate, and dispose of wildlife for purposes authorized by the Board shall be an amount sufficient to defray the costs of processing the permit and administering the permitted activity. However, in no instance shall the fees established by the Board exceed the following:

1. For endangered species, scientific collection and wildlife holder, $20 per year; and

2. For all other such permits, $50 per year.

B. The Board shall establish a permit to authorize the permittee to artificially raise trout, catfish, or largemouth bass and other members of the sunfish family for sale from a privately owned facility. Where the permittee allows public fishing from its facilities, if the fee provided for in subsection A has been paid, no license shall be required to fish from such a facility.

C. The Board shall establish standards for the possession and display of wildlife by elementary or secondary school teachers for educational purposes. No permit fee or application shall be required, and such display shall be deemed to be permitted so long as notification of the display is made to the Department and the exhibit is in compliance with the standards established by the Board. The Board's standards may include species permitted to be possessed and displayed, caging and enclosure requirements, prohibitions on release of wildlife, and notification requirements in the case of wildlife sickness or escape.

D. 1. It is unlawful to prematurely separate any mammalian wildlife offspring born in captivity from the mother prior to the offspring turning four months of age, except that such offspring may be prematurely separated (i) if a medical necessity exists pursuant to a written order from a veterinarian with appropriate species-specific experience and expertise who is licensed to practice in the Commonwealth or (ii) for an activity described under subdivision 2. In the case of a medical necessity, all reasonable efforts shall be made to safely reintroduce such separated offspring to the mother following any such premature separation.

2. The provisions of this subsection shall not apply to (i) agricultural animals, as that term is defined in § 3.2-6500; (ii) noncommercial transfers or trades between accredited zoological facilities; (iii) an accredited zoological facility that retains the mammalian wildlife offspring separated by such zoological facility; (iv) the Department, a person operating under a wildlife rehabilitator, scientific collection, or endangered and threatened species permit approved by the Department, or a person operating under a species recovery plan approved by the Department; (v) the U.S. Fish and Wildlife Service; or (vi) any person rendering emergency neonatal aide, including the temporary separation of up to 72 hours until a licensed veterinarian can be engaged for assessment and treatment. For purposes of this subdivision, "accredited zoological facility" means a zoological facility that is accredited by an organization that, as of January 1, 2024, (a) was operating as an accrediting organization, (b) had published standards of accreditation for zoological facilities, and (c) had at least 20 accredited zoological facility members.

E. It is unlawful to intentionally and for commercial purposes propagate mammalian wildlife of different species, also known as hybridization.